

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ROBERT RODRIGUEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:09-CV-105  
CRIM. NO. 2:08-CR-39(3)2  
JUDGE MARBLEY  
MAGISTRATE JUDGE KING

OPINION AND ORDER

On September 3, 2010, the Magistrate Judge issued a *Report and Recommendation* recommending that the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 be dismissed. *Report and Recommendation*, Doc. No. 163. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, *see Order*, Doc. No. 165, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT**.

s/Algenon L. Marbley  
ALGENON L. MARBLEY  
United States District Judge